

## **REMARKS**

This is a full and timely response to the final Office Action mailed July 12, 2005.

Upon entry of the amendments in this response, claims 1 – 5, 7 – 15, and 17 – 23 are pending. Applicants have amended claims 1 and 11, and have canceled claims 6 and 16 without prejudice, waiver, or disclaimer. The amendments to claims 1 and 11 are believed to remove all remaining issues, placing the application in condition for allowance. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **I. Allowable Subject Matter**

Applicants greatly appreciate the Examiner's statement in the previous Office Action that claims 21 – 23 are allowed.

In addition, Applicants acknowledge that the §112, 2<sup>nd</sup> paragraph rejections of claims 6 and 16 are withdrawn. No further rejections or objections are made to claims 6 and 16, and thus, claims 6 and 16 are believed to be allowable. Accordingly, through the amendments herein, dependent claims 6 and 16 have been incorporated into their base claims 1 and 11, respectively. For at least this reason, Applicants submit that the amendments to independent claims 1 and 11 place the application in condition for allowance.

Furthermore, because independent claims 1 and 11 are allowable over the prior art of record, dependent claims 2 – 5, 7 – 10, 12 – 15, and 17 – 20 (which depend from independent claims 1 and 11) are allowable as a matter of law for at least the reason they contain all the features and elements of their corresponding independent claim.

**II. Claims 1 – 3, 5, 8 – 13, 15, and 18 - 20 are Patentable Over Tobagi, *et al.***

The Office Action rejects claims 1 – 3, 5, 8 – 13, 15, and 18 - 20 under 35 U.S.C. §102(b) as being allegedly anticipated by “Packet Switching in Radio Channels: Part II – The Hidden Terminal Problem in Carrier Sense Multiple Access and the Busy Tone Solution, IEEE, 1975,” by Tobagi, *et al.* (“*Tobagi*”). For the reasons set forth below, the rejections should be withdrawn and the claims allowed.

***Independent Claims 1 and 11***

Claim 1 has been amended to include the feature that “***said transmitting of said feedback signal is performed within a frequency null to provide isolation between said transmit path and said receive path***” as was previously recited in canceled dependent claim 6 (which depended directly from independent claim 1). This feature is not disclosed, taught, or suggested by *Tobagi*. Indeed, all objections and rejections to dependent claim 6 have been overcome. Thus, claim 1 is believed to be allowable for at least the reason that claim 1 now includes all of the features of previously presented claim 6.

Similarly, claim 11 has been amended to include the feature that “***said transmission of said feedback signal is performed within a frequency null to provide isolation between said transmit path and said receive path***” as was previously recited in canceled dependent claim 16 (which depended directly from independent claim 11). This feature is not disclosed, taught, or suggested by *Tobagi*. Indeed, all objections and rejections to dependent claim 16 have been overcome. Thus, claim 11 is believed to be

allowable for at least the reason that claim 11 now includes all of the features of previously presented claim 16.

***Dependent Claims 2 – 3, 5, 8 – 10, 12 - 13, 15, and 18 - 20***

Applicants submit that the rejection to dependent claims 2 – 3, 5, 8 – 10, 12 - 13, 15, and 18 - 20 are rendered moot in light of any of the arguments made above and, therefore, the claims are allowable as a matter of law for at least the reasons that claims 2 – 3, 5, 8 – 10, 12 - 13, 15, and 18 - 20 contain all the features and elements of their corresponding independent claim. For at least this reason, Applicants request that the rejection of claims 2 – 3, 5, 8 – 10, 12 - 13, 15, and 18 - 20 be withdrawn.

**III. Claims 4, 7, 14, and 17 are Patentable over Tobagi**

The Office Action rejects claims 4, 7, 14, and 17 under 35 U.S.C. §103(a) as being allegedly unpatentable over *Tobagi* in light of the rejection to claim 1. Applicants submit that the 35 USC §103(a) rejection to claims 4, 7, 14, and 17 is rendered moot in light of any of the arguments made above and, therefore, the claims are allowable as a matter of law for at least the reason that claims 4, 7, 14, and 17 contain all the features and elements of their corresponding independent claim. For at least this reason, Applicants request that the rejection of claims 4, 7, 14, and 17 be withdrawn.

**IV. Prior Art Made of Record**

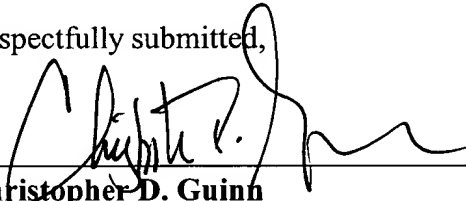
The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

### **CONCLUSION**

The Applicants respectfully submit that all claims are now in condition for allowance, and request that the Examiner pass this case to issuance. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this response. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,

  
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